

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RICHARD ROY SCOTT,

Plaintiff,

v.

SHAUNA ANDERSON, *et al.*,

Defendants.

Case No. C06-5412 FDB/KLS

REPORT AND
RECOMMENDATION

NOTED:
November 17, 2006

This civil rights action been referred to United States Magistrate Judge Karen L. Strombom pursuant to Title 28 U.S.C. §§ 636(b)(1) and Local MJR 3 and 4. The Court is advised by Plaintiff that he no longer wishes to pursue this action.

DISCUSSION

Plaintiff has filed a motion to voluntarily dismiss his action pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, as he intends to seek to add this action by amendment to a currently pending action. (Dkt. # 10).

Rule 41(a)(1) of the Federal Rules of Civil Procedure provides, in pertinent part:

[A]n action may be dismissed by the plaintiff without order of court (i) by filing a notice of dismissal at any time before service by the adverse party of an answer or of a motion for summary judgment, whichever first occurs

CONCLUSION

The court should dismiss this action as plaintiff has voluntarily requested dismissal. No answer or motion for summary judgment has been filed by the defendant. A proposed order accompanies this Report and Recommendation.

Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure, the parties shall have ten (10) days from service of this Report and Recommendation to file written objections. *See also* Fed. R.Civ.P. 6. Failure to file objections will result in a waiver of those objections for purposes of appeal. Thomas v. Arn, 474 U.S. 140 (1985). Accommodating the time limit imposed by Rule 72(b), the clerk is directed to set the matter for consideration on **November 17, 2006**, as noted in the caption.

DATED this 31st day of October, 2006.



Karen L. Strombom
United States Magistrate Judge